

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10 SHIRL JEAN KOBOLD,

11                   Plaintiff,

12                 v.

13 CAROLYN W COLVIN, Acting  
Commissioner of the Social Security  
14 Administration,

15                   Defendant.

CASE NO. 12-cv-05137 JRC

ORDER GRANTING MOTION FOR  
ATTORNEY'S FEES PURSUANT  
TO 42 U.S.C. § 406(b)

16                  This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
17 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge  
18 and Consent Form, ECF No. 5; Consent to Proceed Before a United States Magistrate Judge,  
19 ECF No. 8). This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to  
20 42 U.S.C. § 406(b) (*see* ECF No. 31; *see also* ECF No. 32). Defendant has no objection to  
21 plaintiff's request (*see* ECF No. 33).

22                  For the reasons discussed herein, plaintiff's motion for attorney's fees should be granted  
23 in the amount of \$12,645.22 pursuant to 42 U.S.C. 406(b).

## STANDARD

The Court may allow a reasonable fee for an attorney who represented a Social Security Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in excess of 25 percent of the total of past-due benefits. See 42 U.S.C. § 406(b)(1); *Grisbrecht v. Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first to such agreement and will conduct an independent review to assure the reasonableness of the fee requested, taking into consideration the character of the representation and results achieved. See *Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the fee agreement is the primary means for determining the fee, the Court will adjust the fee downward if substandard representation was provided, if the attorney caused excessive delay, or if a windfall would result from the requested fee. See *Crawford v. Astrue*, 586 F.3d 1142, 1151 (9th Cir. 2009) (citing *Grisbrecht, supra*, 535 U.S. at 808).

## **DISCUSSION**

14 Here, the Court concludes that the representation was standard, at least, and the results  
15 achieved excellent (*see* ECF No. 31, p. 1-2; fn. 1). *See Grisbrecht, supra*, 535 U.S. at 808.

16 Plaintiff's total back payment was \$80,434.80 (*see id.*). Plaintiff has moved for a net  
17 attorney's fee of \$20,108.70 (*see Motion*, ECF No. 31, p. 1), and the Court has considered the  
18 EAJA award received by plaintiff's attorney in the amount of \$7,463.48; and plaintiff's gross  
19 attorney's fee of \$12,645.22 (*see id.*). *See* 31 U.S.C. §§ 3711(a), 3716(a); *Astrue v. Ratliff*, 130  
20 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010); *see also Parish v. Comm'r. Soc.*  
21 *Sec. Admin.*, 698 F.3d 1215, 1221 (9th Cir. 2012).

22 The Court finds the amount requested reasonable.

1 In addition, the attorney did not cause excessive delay, and a windfall would not result  
2 from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151 (9th Cir. 2009) (*citing*  
3 *Grisbrecht, supra*, 535 U.S. at 808).

4 Therefore, for the reasons discussed, and based on plaintiff's motion and supporting  
5 documents (*see* ECF Nos. 31, 32) and the relevant record, and with no objection from defendant  
6 (ECF No. 33), it is hereby ORDERED that attorney's fees in the amount of \$12,645.22 be  
7 awarded to plaintiff's attorney pursuant to 42 U.S.C. § 406(b).

8 Defendant shall release the fee of \$12,645.22 minus any applicable processing fee to  
9 plaintiff's attorney, Rosemary B. Schurman, at 8123 NE 115 Way, Kirkland, WA 98034 or via  
10 automatic deposit.

11 Dated this 7th day of March, 2014.

12   
13 J. Richard Creatura  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24